

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	

REPLY COMMENTS OF TCN INC.

TCN Inc. (“TCN”)¹ submits these reply comments in response to the *Sixth Further Notice of Proposed Rulemaking* (“*Sixth Further Notice*”) released by the Federal Communications Commission (“Commission”), which seeks comment on whether and how to transition away from use of SIP Code 603 for purposes of the Commission’s immediate call-blocking notification requirement and toward full implementation of SIP Codes 607 and 608.²

As discussed below, the record demonstrates that SIP Codes 607 and 608 would provide the necessary transparency that would allow callers to obtain effective redress, as required under the TRACED Act. Meanwhile, SIP Code 603’s lack of specific, actionable information makes it an unsustainable long-term option. TCN’s recent experiences demonstrate that upstream voice service providers continue to fail to provide meaningful transparency and effective redress, leaving callers that are making lawful, wanted communications without the recourse required

¹ Founded in 1999, TCN is a leading provider of cloud-based call center technology worldwide, serving a number of Fortune 500 companies and enterprises in multiple industries, including healthcare, education, automotive, politics, marketing, and collection. TCN combines a deep understanding of the needs of call center users with a highly affordable delivery model, ensuring immediate access to robust call center technology, including interactive voice response, call recording, and business analytics required to optimize operations and adhere to the Telephone Consumer Protection Act (“TCPA”).

² See *Advanced Methods to Target and Eliminate Unlawful Robocalls – Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association*, CG Docket No. 17-59, Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order, FCC 21-126, ¶¶ 43-47 (rel. Dec. 24, 2021) (“*Sixth Further Notice*”).

under the TRACED Act. Accordingly, to strengthen its commitment “to protect legitimate callers from erroneous blocking” so that they “can provide important information to consumers,”³ TCN encourages the Commission to require use of SIP Codes 607 and 608 as the only permanent solutions without further delay.

I. THE RECORD DEMONSTRATES THAT SIP CODES 607 AND 608 PROVIDE THE TRANSPARENCY AND EFFECTIVE REDRESS REQUIRED UNDER THE TRACED ACT, WHILE SIP CODE 603 DOES NOT.

The TRACED Act requires the Commission to “ensure [that] robocall blocking services . . . are provided with transparency and effective redress options for . . . callers.”⁴ In the *Fourth Report and Order*, the Commission unanimously adopted a clear obligation to fulfill this statutory requirement. Specifically, the Commission “require[d] that terminating voice service providers that block calls on an IP network return SIP Code 607 or 608,” both of which “are designed to be used for call blocking.”⁵ As explained below, the record demonstrates that any long-term deviation from this obligation – by, for example, permanently permitting use of SIP Code 603 – would undermine the TRACED Act’s statutory requirement as well as the efficacy of the Commission’s notification and redress procedures. Therefore, the record counsels in favor of requiring full implementation of SIP Codes 607 and 608 as soon as possible so that voice service providers comply with their statutory obligation to provide “transparency and effective redress” to the benefit of consumers, callers, and the public.

³ *Sixth Further Notice* ¶ 1.

⁴ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, § 10(b) (2019) (“TRACED Act”).

⁵ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, 35 FCC Rcd 15221, ¶ 56 (2020) (“*Fourth Report and Order*”).

A. The record strongly demonstrates that SIP Codes 607 and 608 provide callers with the “transparency and effective redress” required under the TRACED Act and adopted by the Commission.

When it adopted requirements that voice service providers immediately notify callers using SIP Code 607 or 608, the Commission noted that both SIP codes were “designed to be used for call blocking.”⁶ For this reason, the majority of commenters agree that SIP Codes 607 and 608 are the only long-term solution for providing the “transparency and effective redress” required under the TRACED Act. In joint comments, American Bankers Association *et al.* stated that “the primary use cases for which SIP Codes 607 and 608 were designed . . . are precisely the circumstances that the Commission seeks to address through its immediate notification requirement.”⁷ Drawing on this principle, the Professional Association for Customer Engagement (“PACE”) highlighted that the “more particularized” SIP Codes 607 and 608 “will give a caller a running-start” as compared to SIP Code 603 in resolving erroneously blocked calls.⁸ Quoting the Commission’s own language, INCOMPAS and the Cloud Communications Alliance (“CCA”) echoed PACE’s sentiment, stating that “[SIP Codes 607 and 608] ‘present the best long-term solution for immediate notification.’”⁹ As a result, “use of SIP Codes 607 and 608 . . . should be viewed as the linchpin to the Commission’s efforts to successfully mitigate illegal

⁶ *Sixth Further Notice* ¶ 56.

⁷ Comments of American Bankers Association *et al.*, CG Docket No. 17-59, at 5 (Jan. 31, 2022) (“ABA *et al.* Comments”).

⁸ Comments of Professional Association for Customer Engagement, CG Docket No. 17-59, at 3 (Jan. 28, 2022) (“PACE Comments”).

⁹ Joint Comments of INCOMPAS and the Cloud Communications Alliance, CG Docket No. 17-59, at 2 (Jan. 31, 2022) (quoting *Sixth Further Notice* ¶ 43) (“INCOMPAS and CCA Comments”).

robocalls through call blocking,”¹⁰ and the Commission should “encourage standards-setting bodies to finalize their work” to expedite SIP Codes 607 and 608’s implementation.¹¹

The “transparency and effective redress” required under the TRACED Act is not empty rhetoric. By requiring that SIP Codes 607 and 608 be used to fulfill a voice service provider’s TRACED Act notification obligations, the Commission can ensure that this statutory requirement positively impacts the voice ecosystem, especially to the benefit of smaller originating providers. TCN already has demonstrated that terminating and intermediate providers’ lack of transparency and ineffective redress impose real-world costs on callers, requiring companies like TCN to “invest 10-20 hours of investigation and outreach to voice service providers” to diagnose a single erroneous blocking issue and open a ticket with the relevant voice service provider.¹²

Despite the time TCN has spent attempting to correct voice providers’ erroneous call blocking, “[i]n every case, the voice service provider has failed to resolve the false labeling or improper blocking, leaving TCN and its clients without the adequate redress required by the TRACED Act.”¹³ By requiring terminating and intermediate voice service providers to provide originating providers – and especially smaller originating providers – with SIP Codes 607 and 608, the Commission: (1) will allow smaller entities originating lawful calls to more efficiently

¹⁰ *Id.* at 2.

¹¹ *Id.* at 3 (quoting *Sixth Further Notice* ¶ 43).

¹² Letter from Jesse Bird, Chief Technology Officer, TCN, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59, at 4 (Nov. 30, 2021) (“TCN *Ex Parte*”).

¹³ *Id.*

rectify erroneously blocked calls; and (2) by extension, will maximize “the benefits of SHAKEN/STIR,” “promote competition,” and “reduce consumer costs.”¹⁴

B. The record plainly demonstrates that SIP Code 603 is inadequate as a permanent option for satisfying the Commission’s immediate notification requirement and should be sunset promptly.

Commenters have shown that SIP Code 603 currently “does not provide adequate information for callers to seek redress for erroneously blocked calls”¹⁵ because “originating and intermediate providers have little knowledge about why calls [are] being blocked or who is doing the blocking.”¹⁶ Therefore, contrary to some suggestions that SIP Code 603 would serve as adequate notice “[s]o long as call originators know to consider SIP Code 603 as a blocking notification,”¹⁷ SIP Code 603 currently “fails to satisfy the transparency and redress requirements in the TRACED Act.”¹⁸

Commenters’ attempts to wave away this issue are equally unavailing. For example, USTelecom—The Broadband Association (“USTelecom”) posits that “[i]t is likely that the SIP Code 603 standard can be modified to include standardized information in a header that distinguishes between analytics-based blocking and other call declinations.”¹⁹ Even if the Commission accepted the uncertainty in USTelecom’s forecast (“[i]t is likely . . .”) and the

¹⁴ Comments of the Voice on the Net Coalition, CG Docket No. 17-59, at 2 (Jan. 31, 2022) (“VON Comments”).

¹⁵ ABA *et al.* Comments at 6

¹⁶ INCOMPAS and CCA Comments at 6.

¹⁷ Comments of Transaction Network Services, Inc., CG Docket No. 17-59, at 4 (Jan. 31, 2022).

¹⁸ Comments of the National Opinion Research Center, CG Docket No. 17-59, at 3 (Jan. 31, 2022) (“NORC Comments”); *see also* PACE Comments at 2-3 (SIP Code 603 allows a call recipient to “block a call without transmitting a reason for doing so,” and “this uncertainty . . . warrants transition to 607 and 608.”).

¹⁹ Comments of USTelecom—The Broadband Association, CG Docket No. 17-59, at 2 (Jan. 31, 2021).

apparent lack of firm commitment among USTelecom members, other commenters observed that “the more SIP Code 603 is altered, the less interoperable and standardized it becomes.”²⁰ These alterations would water down SIP Code 603’s utility and, by extension, fail to satisfy the “transparency and effective redress” required under the TRACED Act. Accordingly, the Commission should “reaffirm that use of SIP Code 603 is a purely short term, interim measure while ATIS finalizes the necessary standards [for] SIP Codes 607 and 608”²¹ and “reject efforts to use SIP Code 603 as a permanent notification solution.”²² Imposing a 2022 sunset date for SIP Code 603, as some commenters have suggested, would serve as an appropriate incentive to prevent voice service providers from further delaying implementation of SIP Codes 607 and 608.²³

II. TCN’S RECENT EXPERIENCE CONFIRMS THAT CALLERS AND ORIGINATING SERVICE PROVIDERS ARE CONTINUING TO FAIL AT PROVIDING THE “EFFECTIVE REDRESS” REQUIRED UNDER THE TRACED ACT.

To support its contention that SIP Code 603 will provide “transparency and effective redress,” NCTA—The Internet & Television Association (“NCTA”) states that callers “need only run a simple analysis of SIP Code 603 responses” and “then work with their provider to

²⁰ ABA *et al.* Comments at 8.

²¹ INCOMPAS and CCA Comments at 3.

²² *Id.* at 5.

²³ *See, e.g.*, PACE Comments at 3 (“[W]e request that the Commission set a deadline for the implementation of SIP Codes 607 and 608, and that this deadline fall on a date no later than sixth [sic] months after the original January 1, 2022 deadline.”); VON Comments at 5 (“[T]he Commission should establish a deadline of December 31, 2022, at the latest, for finalizing standards for SIP Codes 607 and 608 and phasing out SIP Code 603 when used for immediate blocking notification.”).

determine by whom the call was blocked.”²⁴ However, when an originating service provider or caller currently receives a SIP Code other than SIP Code 607 or 608, the analysis is far from “simple.” As TCN indicated in the record, each blocking event it has experienced has required it to invest 10-20 hours of investigation and outreach to voice service providers using voice service providers’ established redress process.²⁵ Critically, despite TCN’s efforts to seek redress, *in no instance* did the voice service provider resolve the improper blocking issue.²⁶

While the Commission’s notification rules are intended to “allow[] callers to access redress more rapidly” and ensure that callers may “contact the consumer with important information,”²⁷ TCN’s recent experiences since it filed its *ex parte* on November 30, 2021, continue to demonstrate that voice service providers are failing to provide transparency and effective redress. For example, TCN recently received the following message from an upstream voice service provider:

Hello, We have located these calls. All calls route through [REDACTED] directly to the term carrier; the term carrier responds to these calls with 603 Decline. The 603 Decline is then passed upstream from [REDACTED]. [REDACTED] requires the originating subscriber or customer to report incorrectly flagged calls; [REDACTED] does not have the information [REDACTED] requires to whitelist calling numbers. Here are two websites to report calling numbers incorrectly flagged as SPAM or robocalling by [REDACTED]: [REDACTED]
[REDACTED] Please advise if we can be of further assistance.²⁸

As instructed, TCN visited the two websites provided in the message. Despite receiving separate URLs, TCN was directed to an identical webpage on which it could “submit a request.” TCN

²⁴ Comments of NCTA—The Internet & Television Association, CG Docket No. 17-59, at 3 (Jan. 31, 2022).

²⁵ TCN *Ex Parte* at 4.

²⁶ *Id.*

²⁷ *Fourth Report and Order* ¶ 53.

²⁸ TCN clarifies that it has removed identifying information from the message.

completed the online request and opened a ticket. However, consistent with TCN's past experience, the upstream providers did not resolve the ticket, and TCN failed to receive a follow-up response from the voice service provider or the voice service provider's contractor.

TCN's other recent experience with a *different* voice service provider's redress procedures was equally ineffective. In this case, an upstream provider instructed TCN to ask the called party to contact *the called party's* terminating service provider to request that the number be unblocked. Such a redress mechanism is unreasonable on its face because it requires: (1) a caller to contact a customer that the caller cannot currently reach because its calls are blocked; and (2) a customer to contact *its* voice service provider to receive a call that the customer was not responsible for blocking. Not only does this contravene Section 64.1200(k)(11)(iii), which requires that a terminating provider "cease[] blocking calls . . . as soon as the provider has actual knowledge that the blocked calls are likely lawful,"²⁹ it fails the TRACED Act's requirement that "effective redress" be provided to "*callers*."³⁰ Simply stated, as TCN's recent experiences demonstrate above, voice service providers' redress procedures continue to remain "ineffective" and fail to satisfy the TRACED Act's – and Commission's – requirements.

III. CONCLUSION

The Commission's call blocking notification and redress requirements exist for good reason. As demonstrated above, SIP Codes 607 and 608 would allow callers to obtain "effective redress" more rapidly, while SIP Code 603 would not. Therefore, "any permanent allowance of the use of [SIP] Code 603 as an acceptable alternative would undermine legitimate callers' rights

²⁹ See 47 C.F.R. § 64.1200(k)(11)(iii).

³⁰ TRACED Act § 10(b) (emphasis added).

to transparency and ability to seek effective redress.”³¹ As the TRACED Act’s language makes plain, Congress determined that “transparency and effective redress options for . . . callers” were *required* as part of the Commission’s efforts to combat illegal calls. However, TCN’s experiences have repeatedly shown that voice service providers continue to shirk these legal obligations.

Without Commission action, voice service providers will continue to ignore the TRACED Act’s requirements. Accordingly, the Commission should reject voice service providers’ efforts to further minimize their own obligations. Instead, the Commission should stay its original course and reinforce the importance of providing callers whose calls are blocked an immediate notification through the use of SIP Codes 607 and 608 and access to a process that will resolve erroneously blocked calls, as required under the TRACED Act and the Commission’s rules.

Respectfully Submitted,

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³¹ NORC Comments at 2.